

Frontier Militia

Future of Militias under the 2017 Federally Administered Tribal Areas(FATA) Reforms

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Pakistan's federal cabinet has approved in principle the merger of FATA with the Khyber Pakhtunkhwa Province, in an attempt to eliminate the militancy. The raising of Levies has been proposed to provide policing facilities. This decision of the government has sparked a debate within tribes also. This paper argues that without bringing any reforms in Provincially Administered Tribal Areas {PATA}, any steps taken to eliminate militancy will fall short of objectives. The role of Militia is fundamental in the development of FATA and PATA. The division of militias under various ministries by itself is a major friction in the war on militancy. The paper concludes that FATA is a misnomer and political agencies should be treated as an individual entity. Tribal Areas have direct bearing on international affairs; federal and provincial governments are often at odds with each other, as such FATA should be retained by federal government.

Militia; Peacekeepers of Frontier

The future of militias, under the 2017 FATA reforms

Keywords. FATA, PATA, Frontier Region(FR), Militia, Levies, Civilisation

Introduction- Frontier and Tribes.

Tribes etymologically conveys a form of politics and society, before the origin of modern states; politically tribes were anarchist in nature.¹ Tribe is a small group of people who have common ancestry, share common language and customs. Frontier tribes are Aryan in nature(Vedas), millenniums ago they migrated downstream from Oxus towards Indus through the narrow passes of Hindu Kush; few of these(e.g. Wazir,Afridi,) settled at the passes which at present are known as tribal areas and other(e.g. Yousafzai, Uthmanzai) in the plains of Peshawar and surroundings which is known as settled areas(Herodotus,400 BC) . These tribes emerged in history during their resistance against Alexander the Great.² Later with settling of Greeks in Indus Valley, the tribes of Khyber were specifically influenced by Greek philosophy and culture(Caroe,1958). The earliest empires {Greek , Persian and Roman} were built around cities, It was Islam, not only as religion, but as a civilisation which came from tribal society. In Indus Civilisation, Mahmood of Ghazna was the very first Muslim emperor³ who established the empire built and anchored on tribes; followed by Genghis Khan and Tamerlane. ⁴Mongols and Tamerlane adopted different routes of invasion and retreat; Tamerlane marched back through Waziristan . From 1300 AD, onwards the Khyber Pass {Afridi territory} became central to control of India, a link between Oxus and Indus; whereas Waziristan remained in oblivion. Mughals and later Afghans had to negotiate with the Afridis in order to maintain their line of communication. Sikhs in 17th Century emerged as a new force, they were also grouped on tribal pattern in terms of Misl⁵; thus the conflict between mountainous and plain civilisation also became a clash between religions. British like Sikhs advanced from East towards West and in 1849, after a disastrous military campaign in Afghanistan (1839-1842) , succeeded in defeating Sikhs and annexing the frontier as part of Punjab.

From 1850 till 1947, British frontier policy revolved around Forward Policy, to check the advance of Russia towards Indus Valley. They initiated administrative reforms in Frontier keeping in line with Forward Policy.⁶ Major towns like Peshawar, Kohat, Bannu, Dera Ismail

Khan and Hazara tract were termed as settled frontier districts and territory ahead of and around them as tribal areas. In other words, the people whom they could not defeat militarily they accepted them as equal. Politically it was Peshawar Frontier region which was more populated, more prosperous. Apart from tribes, princely states were also in existence like Chitral, Dir and Swat⁷, all in North; whereas in South, (Waziristan) there was no central ruler, authority or feudal system.⁸

Thus the present FATA comprised of two distinct political, social and economical cultures, namely Waziristan (present day North, South Waziristan and Kurram)⁹ and Khyber {Afridi, Mohmand, Bajaur}¹⁰; the Turi tribe in Kurram became prominent in 1890s as they follow Shia faith thus, they are the odd tribe along with clans of Bangash and Orakzai. At present, in the proposed FATA reforms, all tribes have been treated at par with no regard to the sensitivities of tribal customs and culture.

Frontier Policy; 1947 -2000

In August 1947 on independence, the system in frontier remained the same as in past. George Cunningham a former political agent was appointed as governor; former officials linked with Forward Policy were in key positions.. All tribes less Waziristan were friendly with the new dominion.¹¹ There were no less than 15 battalions deployed in Waziristan. In September 1947, Governor George Cunningham wrote very first note on future Frontier Policy.

*‘Military should be withdrawn from Waziristan in 1948, use of propaganda to make Pakistan and Islam as synonym in the eyes of tribes to pacify them, retention of allowances and khasadri¹² system... keep the Militia and Scouts in frontier.... affairs of tribal areas should be handled by the provincial assembly of province’.*¹³

The commander in chief {C-in-C} of Pakistan Army, Lieutenant General Frank Messervy, although agreed with George Cunningham, however he pointed out that Pakistan Army is understrength, under officered and as such cannot, even if occasion arises, face the tribal onslaught, thus advocated an early evacuation from Waziristan. The minister of interior, Abdur Rab Nishtar, also agreed with George Cunningham’s proposal, but differed that, affairs of tribal areas should be handled by the centre rather than the province; his logic was based upon the defence requirements of the country. Another issue was the frontier states of Chitral, Swat and Dir; whether to treat them as states or tribes..¹⁴

On 2nd October 1947, the defence committee agreed on an early evacuation of military, starting from 1st November 1947, simultaneously the tribes were to be pacified, Fakir of Ipi was to be given a pardon along with his followers. The allowances of tribes were to be maintained and conditioned to their supporting defence cause of Pakistan. Prime Minister in principal agreed to vacating all of Waziristan frontier less Militia posts at Wana, MiranShah, Boiya, Dossali and at

Thal. Similarly in Malakand Agency, the number of Levies were to be increased and military was to be pulled out. On the delicate question of the future of tribal areas, Prime Minister, raised the question whether to merge them with the province or to make a federation of the tribes ; in the end it was agreed to keep the decision pending till suitable time.¹⁵ Quaid-i-Azam expressed his apprehension that if Afghan army and airforce backed by tribes smashed through Pakistan Army, then India will also face the wrath. Quaid-i-Azam also highlighted the Russian backing of Afghanistan and asked for as much military equipment ; as United Kingdom can spare'.¹⁶

Quaid-i_Azam, the founding father did not spell out policy on the frontier; rather through his gestures, speeches and instructions laid down the post- British policy on frontier. . Quaid-i-Azam made his first and only official tour of Frontier in April 1948; he toured Khyber Agency and shook hands with Afghan sentry at Torkahm. He also visited Dera Ismail Khan and Bannu, addressed public rallies, the high point was the grand Jirga at Peshawar on 17th April 1948.¹⁷

The leading maliks spoke, first the Mohmand 'We the independent Mohmand tribesmen ...we pledge our loyalty to Pakistan...our relations with Pakistan Government should remain as they had been...we want to retain old system...our allowances should be increased...we should be dealt by the centre and not the province'. Next was, Afridi '*We the independent tribes of Afridi pledge our loyalty...our allowances should be increased...we should be given more jobs in services...we should be dealt with by the centre and not the province...we lack education institutions...we have been exempted from income tax, it should continue*'. Mahsud, also pledged in similar pattern, they however highlighted that, vacating the frontier by army, have caused economic hardships on the tribe ' we had jobs, our men worked on the road repairs, small contracts were available'; they also pledged loyalty and reiterated the same, that they should be governed by the centre and not by province. Wazir were the last to address and reiterated the same. Turi, were also initially planned to address but later they were denied the opportunity. Quaid-i-Azam, in his address expressed his thanks and praised the tribesmen, ' government will follow the existing system, your allowances will continue, provided you remain loyal to Pakistan'.¹⁸

Thus it can be seen that the very first covenant made by Pakistan with tribes, revolved around, retaining their freedom and traditions, administering allowances, in lieu of the tribes maintaining their loyalty to the state. This system continued and was adhered by all successive rulers and constitutions. It was Prime Minister Zulfikar Bhutto who in 1973, initiated the very first constitutional reforms in tribal areas by segregating them into PATA and FATA and also creating Frontier Regions and raising new political agencies.¹⁹

Tribal Militias – Peacekeepers of Frontier

The very word Militia,²⁰ at present has lost its original meaning and is quoted more in terms of anarchy. Militia and its concept was first postulated by Nicolai Machiavelli, who

favoured , natives taking up arms in defence of their country rather than the military. In England, Militia was granted the umbrella of parliament, principally it was accorded the right to bear arms and carryout training in their own specific shires and counties.²¹ Later Militias were raised in Scotland and Ireland. However it was in America where the concept of Militia was formally more regulated, every individual of the town had to be a member of the local militia, ranks, organisation, pay and command structure was specified. In last century, all such Militias in United Kingdom and United States were reorganised into national guards and auxiliary forces but retaining the basic charter.

In North West Frontier , after annexation of Punjab, British raised Frontier Irregular Force(PIFFER) which was the very first militia, but not in true sense. Later in 1878, the Khyber Jezailchi and in 1890 Levies were raised in Zhob, Gilgit, Malakand, Waziristan and Kurram. In 1901-1903, these Levies were upgraded to Militia {North Waziristan Militia, South Waziristan Militia, Kurram Militia, Chitral Scouts}.²² A liaison headquarters was also raised in 1907 as Frontier Irregular Corps, the forerunner to present day Frontier Corps. In these militia the men were recruited from local tribes, with British army officers in command. In 1915, Frontier Constabulary was raised by upgrading the Border Military Police, which was raised in 1904. The constabulary differed from Militia, in terms of the charter, they were being commanded by British police officers; they also recruited from the same tribes. Constabulary was employed in the border belt between the political agencies and settled districts.

In 1922, after the Third Afghan War in which majority of Militia rebelled, less Chitral Scouts and Kurram Militia, they were reorganised into Scouts, therefore NWM{North Waziristan Militia} became Tochi Scouts and SWM{South Waziristan Militia} became South Waziristan Scouts. It was not merely a change of nomenclature but men from tribes other than the Wazir and Mahsud were also enrolled . Khassadar were introduced in this time period, they were recruited from native tribes, not provided with any weapons or ammunition and salary was paid through the tribes . Khassadar were and are the tribal police, managing local affairs and facilitating government officials only within their tribal territory. Thus each tribe has its own Khassadar force.

Lashkar, truly is the militia of tribes, it is the oldest form of tribal military power. Each tribesman is bound to carry arms , when ever his tribe requires him to do so. There is no pay or salary, each lashkari has to arrange his own weapon and ammunition and neither there is any central command nor organisation. Clans joins each other for a common cause, which si mostly a campaign against a rival tribe. Lashkar relies on loot and plunder apart from indemnity or payment from the defeated tribe as compensation which is divided among the Lashkar.

George Cunningham, highlighted that , he has resisted the moves of military to incorporate the militia into them. ‘All these corps are of high quality, as good as anything in regular army; and ought to be maintained as they are’.²³ On Khassadar, he pointed out that scholarships have been initiated to induct tribesmen from early age into the khassadari.

Cunningham further wrote , ‘function of army on the NW Frontier is to oppose {if extreme necessity arises} the tribes as a whole; the function of the Scouts is to work daily with the tribes and to help them control their own individual malefactors’.²⁴ Pakistan, at that time was spending Rupees 10 Lakhs {one million} on allowances to tribes and overall spending Rupees 90 Million on the tribal areas; whereas the income of the province was merely 20 million Rupees.²⁵ It was emphasised to the tribes, that Militia is part of them and not an occupation force, it is here to help you as brothers, in building schools and hospitals.

Presently, The Frontier Corps and Frontier Constabulary are under the Ministry of Interior and Narcotics and can be employed anywhere in Pakistan. Levies and Khassadar are controlled and paid by the Ministry of Frontier and States and are employed only in FATA and PATA. The pay structure is varied and so are allowances and privileges. None of these militias have a constitutional cover. Levies were constituted in 2012 through a regulation²⁶, whereby a detailed structure has since been drafted. Their charter of duties is wide, encompassing almost all duties as presently being performed by the militia and constabulary. raids, ambushes, anti-smuggling, protection of roads, and general maintenance of peace. Thus these militias have overlapping duties under different ministries; a time tested hypothesis under which , misunderstanding often leads to friction among multiple organisations in the same geographical area.²⁷

FATA 2017; Convolutd Reforms

In March 2017, the cabinet has approved in principle the most drastic reforms since 1901, whereby FATA will be merged into the Khyber Pakhtunkhwa province in next five years.²⁸ Immediately tribes have raised their voices over this merger. These reforms were initiated by the prime minister in 2015, in the wake of military operation launched in North Waziristan; he set up a six member committee to recommend reforms in FATA. Fundamentally, the committee was headed by Ministry of Foreign Affairs, alongwith the Ministry of States and Frontier {SAFRON} which governs FATA; however the Ministry of Interior and Narcotics Control was excluded. Thus the very composition of the committee later paved the way for major shortcomings in terms of security and border management in relation to the reforms recommended. It must be kept in view, that these ministries work on Weber’s bureaucratic system. This intricate and irrational distribution of responsibilities on frontier among ministries is perhaps the basic flaw in our structure. Religion²⁹ and narcotics³⁰ have been the two constant causes of violence in frontier since 1900, thus any committee which probes FATA should have both ministries as components {Ministry of religious affairs and ministry of interior }.

One of the basic flaws in reforms since 1973, when the tribal areas were segregated into PATA and FATA, has been to take the FATA as a single entity rather than a conglomerate of independent tribes. From 1935, Government of India Act till 1973, Forward Policy dictated that

these tribes and tribal areas should not be subject to the normal course of legislature and judiciary. Subsequent constitutions like 1956, 1962, 1970 Legal Framework Order, 1972 Interim Constitution; all kept the judicial and legislature orders and acts, implementation in tribal areas subject to the approval of President of Pakistan. This special treatment of the tribal areas have been presented by liberals, democrats, idealists and feminists as draconian and a negation of fundamental rights as enshrined in the constitution. What is overlooked is the fact that, Forward Policy ultimately caused the demise of Russia in 1990. These tribes as such are not discriminated against, rather they are the only area in Pakistan where people are allowed to live according to their customs, possess arms, decide disputes among themselves and possess duty free vehicles, and live tax free. In 1947, there were only 7 schools in FATA, at present over 5300 schools are operating in FATA.³¹

PATA encompasses two provinces, as Marri, Bugti and Chagai are part of the Balochistan province, whereas Chitral, Dir, Swat, Malakand, part of Manshehra, Kohistan falls into Khyber Pakhtunkhwa province (KPK); all being part of PATA.³² Thus it can be seen that term PATA is heterogeneous in nature and as such no law, act or reforms can be applied across the whole of PATA. While entire FATA lies within the KPK, it not only comprised of seven political agencies but also the six Frontier Regions. To treat all of these tribes with a uniform reform and act has been the cardinal error in these reforms of 2017. Only recently, in 2010, two new areas were included (Lakki Marwat and Tank) as frontier regions,³³ thus present reforms are in fact a reversion of the earlier reforms.

The premise of the reforms revolves around Idealism, where democracy is taken as a cure of present violence. This very concept of democracy, treating all as equal in selection of representatives, by granting adult franchise, is another major cause of prolonged violence in tribal areas. Thus in those political agencies where a single tribe is inhabiting, as in Khyber Agency which is overwhelmingly Afridi, democracy has not been able to alter the centuries old system and riwaj. Same holds true for Orakzai. In Kurram the factor is sectarian affiliation; thus Turi are elected. In case of most troublesome, North Waziristan, Daur are more in terms of voters³⁴, thus Wazir the real players have been side lined. The end result is that the very representatives of FATA which have voiced in favour of the reforms, in terms of merger with KPK and repealing of FCR are infact not the true representatives of FATA. The Western system of democracy, which was applied in FATA from 1998 has shrouded the political representation of the tribes; the major and minor (hamsaya) tribes have been placed in same category.

The committee recommends induction of 20,000 Levies. Political Agent as an institution has been criticised by the committee; not because of his inefficiency but on the principle of one official enjoying legislative, judicial and law enforcing powers. In the eighty odd pages of report, the word Militia is used only once, there is no mention of how these Militia will work in the coming years.³⁵ The most glaring omission in the committee reforms is the Militia (Frontier Corps). Levies have been highlighted at length; providing them with standard uniform, new equipment and training, while the Frontier Corps has been overlooked in totality. It seems as if

the committee has been unable to grasp the philosophy behind these two outfits. Whereas Levies is enrolled, trained, paid and commanded by the political agent directly, the Frontier Corps on the other hand, although comes under command political agent, yet its command structure is on deputation from military. Thus Militia has more firepower, manpower and more importantly it enrolls all tribes{with exceptions³⁶} who live and work together in the form of Qaum, Levies on the other hand are recruited only from the specified political agency and remains within the political agency. The committee has hinted at restricting Militia only along the Pakistan – Afghanistan frontier, by increasing the number of wings, however unlike Levies the number is not specified. The whole purpose of these reforms are based upon establishing a no war zone in FATA, thus by overlooking such vital component in war against militancy (Militia) the committee has defied its own logic. Despite the decade and half campaign on frontier and against the militancy, no effort has been made to bring all of the under one ministry. This diffusion results in lack of equipment, weapons, facilities, and sharing of intelligence among them

Why FATA, Why not PATA?

The preamble of the present reforms are based upon the fact that '*insurgents have used FATA to train and recruit fighters...it is planned to transform FATA into a region free of war...FATA has been governed through colonial era system*'.³⁷ To envision an area free of war is denying the basic element of human nature, any reforms which aims at absolute elimination of war is not based on realism but hoping for an Utopia. To single out FATA as the breeding ground of fighters recruitment is also void of facts; it is not only FATA but also PATA as well which contributes in terms of violence, recruitment of fighters and challenges to writ of state.

The major operations of military were not only launched in FATA but also in PATA. The very first insurgency in post reforms started in Marri area in Balochistan in 1974-1977. Again, major insurgency in Malakand and Swat in 1992. In Post 9/11, Bugti area in Balochistan {2005-2007}, Swat{ 2007-2009}³⁸Upper and Lower Dir,³⁹ Chitral {2011}, Kohistan {2002-2003}. ***Thus to aim at reforms in FATA exclusively, thereby overlooking PATA, in an effort to eliminate violence and militancy is void of rationality and logic.*** As far as the colonial era legislative and judicial system is concerned, the very fact that the legal system of Pakistan, The Pakistan Penal Code itself is based upon laws of 1860 and 1898, negates that assumption. Among the 182 laws in operation in Pakistan, no less than 50 laws and acts dates back to colonial era including the Arms Act {1878}, Explosive Act {1884} Boilers Act {1923} Official Secret Act{1923} to name few. Thus the connotation of relating the violence in FATA to colonial era act defies logic. If this logic is accepted, than all laws that date back to British era should be repealed. It is better to debate the clauses of a certain laws or act, rather than discarding them, on the basis of being colonial in nature. Frontier Crimes Regulations {FCR} has been cited as the major irritant, which the committee, through its interaction, meetings with

local and native tribes in FATA has reached. Interestingly, the committee has highlighted and noted the difference of opinion among the tribes as far as FCR is concerned, ‘elders are in favour of retaining FCR whereas youngsters are in favour of its repealing’.

The Scientific Method of Irrationality

The present committee, like all other studies, seminars, papers dealing with FATA has relied heavily upon mathematical figures, as the scientific data to give support to its hypothesis. Through this supposition data the committee has attempted to highlight poverty, deprivation and lack of infrastructure in FATA and resultantly applied the Marxist theory, assuring the public that as soon as gap between numbers { in FATA vs rest of Pakistan} are narrowed, the graph of violence will also drop. The data itself is contradictory in nature, and leads to incorrect deductions. For instance, to deal with the whole of FATA in terms of area, population, density, per capita income, education and literacy rate, is irrational in nature. Bajaur, Mohmand and Khyber have more population thus they have high density whereas Waziristan on the other hand have more area but less population; therefore all the data based upon these facts will have be dichotomous and may favour only the Peshawar Frontier Regions(Northern half).

Agency	Area sq km	Population	Militia		Major Tribe	Minor Tribe	NA Seat
Khyber	2,576	5,46,370	Khyber Rifles, Mahsud Scouts .Khassadar ,Levies		Afridi.	Shinwari, Mullagori, Shilman	NA 45,46
Kurram	3,380	4,48,310	Kurram Militia, Thall Scouts.Khassadar, Levies		Turi	-	NA 37, NA 38
North Waziristan	4,707	3,61,246	Tochi Scouts, Shawal Rifles.Levies, Khassadar		Wazir	Daur, Saidgi	NA 40
South Waziristan	6,620	4,29,841	South Waziristan Scouts, Levies, Khassadar		Mahsud	Dottani, Sherrani,	NA-41, NA -42
Mohmand	2,296	3,34,453	Mohmand Rifles, Levies, Khassadars		Mohmand	Safi	NA 36
Bajaur	1,290	5,95,227	Bajaur Scouts, Levies, Khassadar		Utmankhel	-	NA 43,44
Orakzai	1,538	2,25,441	Orakzai Scouts, Levies, Khassadar		Orakzai	-	NA 39
Frontier Region	Area sq km	Population	Militia	Nos of Villages	Tribes	Levies Strength	Khassadar
Peshawar	261	53,841	Frontier Constabulary	39	Afridi	357	107
Kohat	446	88,456	ibid		Afridi	1067	405
Bannu	745	19,593	Ibid	160	Wazir, Bhattani	294	777
Lakki Marwat	132	6,987	Ibid	44	Bhattani,	577	200

					Marwat		
Tank	1221	27,216	Ibid	13	Bhittani,	757	506
Dera Ismail Khan	2008	38,990	Ibid		Sherrani	561	309

Table I. Showing the political agencies and frontier regions {FATA}. Data has been compiled with the help of Ministry of States and Frontier⁴⁰.

Recommendations

First and foremost is to treat FATA in terms of individual political agencies and tribes rather than under the acronym of FATA. Each tribal agency, when ontologically perceived as a territory belonging to a specific tribe, is bound to create a different perception as compared to other tribes and their territories.

PATA before FATA. Reforms only in FATA without any deliberation on PATA will fail to address the core issue of militancy. Tribal Areas should be treated in totality, at present, concentration has been only on KPK, whereas tribal areas are in Balochistan also, and they too have been as volatile as these in KPK, thus to bring reforms in KPK only may aggravate the situation. The 90 Billion Rupees package should not therefore only be spent in KPK. Experience of reforms in PATA, which are in place since 1973, acts as guiding principles, if despite all the reforms in last four decades, the state has failed to curb militancy in PATA, thus to assume that by bringing same in FATA will have different results, only validates 'history repeats itself, first as tragedy and second time as farce'. Logically, as a first measure, PATA should be merged with the KPK province and brought at par with other districts, similarly, in Balochistan PATA should also be merged with the mainstream. Frontier Regions {FRs} are a buffer zone between the settled districts and political agencies; they should be either merged with the KPK or with the political agency. These FRs gain nothing prominent by retaining status quo.

Militia	Balochistan{PATA}	Khyber Pakhtunkhawa {PATA}	FATA	Ministry
Levies	294	4,528	9,126	SAFRON
Khassadar	Nil	Nil	17,914	SAFRON
Frontier Constabulary	3,498{Balochistan Constabulary}	Nil	15000	Interior & Narcotics
Frontier Corps {Militia}		4500 in Chitral Scouts, 1500 in Swat Scouts, 2500 in Dir Scouts Total 8000-8500.	40,000 approximately	Interior & Narcotics

Table II. Showing the Militias in FATA and their controlling ministries. Figures based upon data provided by Ministry of Interior and Ministry of States and Frontier.

Structural Reorganisation. The division of affairs regarding frontier and tribes are distributed among no less than three different ministries. This has grossly undermined the efforts to curb militancy in FATA and in PATA. As stated earlier the militia and constabulary falls

under one ministry where as levies and khassadar are under another ministry . Militia (Frontier Corps) should be provided with constitutional cover, similar to the Levies. Uniform of Militia since 1998, has been changed thrice, in an attempt not only to modernise it but also to westernise it; in the process it suffered culturally. This tendency of such abrupt decisions can only be safeguarded through the constitutional cover. Militia must be governed through its own Militia Act and Laws. Their employment, deployment, training, pay, allowances, privileges, pension should be streamlined. It was only in 2004, after they put up a redress of grievances, that the Militia were allowed free medical treatment in military hospitals and entitled to same ration scale as enjoyed by military. In Frontier Constabulary, a soldier has a chance to rise higher in rank to become a gazetted officer but no such option is available in Militia or Levies. Militias are governed by 1904 Border Police Act, 1915 Frontier Constabulary Act and Frontier Corps 1959 Ordinance; it may look odd but no Syed, Pir or kamin is allowed to serve in Frontier Corps.⁴¹

Political Agent as an institution has lived to its reputation (they did not allowed violence between 1947-2004 in FATA), however it has been criticised incessantly on every forum. The fact that in 2010, among 39 political and assistant political agents in FATA, seven had only bachelor degree, two had only a faculty of arts certificate and one had only attended the school (matric). Not a single political agent had an educational degree higher than masters. Only three political agents were in grade-19, eleven in grade-18 and remaining 25 were in grade-17. It must be kept in mind that constitutionally Frontier Corps units are undercommand to political and assistant political agents and these Militia corps are commanded by brigadiers, colonels and lieutenant colonels, who all are in grade 18 and 19.⁴²

Tribal Representation. Seats reserved for FATA in national assembly and senate also requires adjustments. At present, few agencies have two seats and others have only one seat; thus seats should not be based upon the population or geography but on the basis of importance of tribes. Furthermore the Tribal Area XII (NA 46) which encompasses all six Frontier Regions, requires rethinking, as the length of the constituency stretches to 400 Kilometres from Peshawar in the North, to D.I.Khan in the South. Presently SAFRON is spending money on development in FATA on the basis of population, 65% and 35% on area basis. Under this system of division, Waziristan agencies have suffered; will suffer and continue to feel deprived as compare to the more populated northern agencies {Bajaur, Mohmand and Khyber}.

Pakistan-Afghanistan; Open Border. Pakistan and Afghanistan cannot change history; however both can regulate the cross border movement. In Europe and in the Gulf, movement across the borders are free and the same should be attempted between these two Islamic brotherly countries. Suppression of militancy is more due to inefficiency on the part of law enforcing agencies and structural mismanagement than due to free movement across the border by tribes. There is a difference between free movement and illegal settlement. The frontier tribes (Afridi, Shinwari, Wazir and Mahsud) have clans living on both sides of border, they should be allowed as in past to move freely across borders. By imposing restrictions, free trade gets affected which in turn affects economic indicators of the tribes.

Conclusion.

The proposed reforms in FATA, and its merger with KPK are based upon one scarlet thread; it will eliminate militancy. However, PATA, where similar reforms were introduced in 1973, has been an equal partner in the growth and spread of militancy. Thus to expect that the merger of FATA will bring the peace everywhere defies logic. Militia, Levies, Constabulary and Political Agents have played a key role in maintaining peace in FATA since 1947 and more significantly from 2001 onwards, these institutions by themselves are being governed by multiple ministries. The primary reforms in FATA should start with the rationalisation of these institutions and by bringing all of them under one ministry.

FATA region is sensitive as it shares a border with Afghanistan, thus unrest in FATA has implications on international affairs and resultantly on domestic politics as well. By merging FATA with province of KPK, the federation will lose its control over a territory that spans across international borders. In Pakistan's history, provincial governments of frontier and federation have seldom enjoyed cordial relations. Thus it will be better to keep FATA under federal administration rather than handing them over to the provincial government which displays soft attitude towards militancy and Taliban.

The perception of FATA being underdeveloped and suppressed is void of reality and facts. On the contrary, there are special concessions and privileges which are endowed upon the tribes in terms of duty free vehicles and tax free zone. ***FATA should be restructured on tribal basis, where tribes must be categorised in terms of traditional power and influence rather than on mere population.***

End Notes

¹ : **"tribe."** Encyclopædia Britannica. Encyclopædia Britannica Ultimate Reference Suite. Chicago: Encyclopædia Britannica, 2015

² Arrian's *Anabasis and Indica*, translated Edward James Chinnock (Chickwick Press,1893).

Arrian *The Campaigns of Alexander translated by Aubrey de Selincourt* (Penguin,1971),pp-261-290.

³ Mahmood adopted the title of Sultan, it were the Mughuls who from 1530 AD onwards called themselves as emperors

⁴ Roger D.Long A History of Pakistan (Oxford,2015)

⁵ Misl, a group of armed Sikhs .

⁶ For more detail on the administrative set up see Brandon Douglas Marsh. *Ramparts of empire, India's North-West Frontier and British Imperialism 1919-1947*. Austin: University of Texas,2009. Bruce , Issac., *The Forward Policy and its results or thirty Five Years work amongst the tribes on our North Western Frontier of India*, first edition 1900.Quetta: Gosha –e-Adab, 1977. Government of India Imperial Gazetteer Provincial Series North West Frontier province. Lahore: Sang- e- Meel, 2002.First edition 1910.

⁷ Swat was recognized as state in 1922, there were no less than 560 princely states in India.

⁸ Major H.G.Raverty "The Afghan Wazirs and their Country" in *The Imperial and Asiatic Quarterly Review*, Volume IX, Nos 17 and 18, January – April 1895 (Oriental University Institute, Woking,) page 153.

⁹ In 1895 edition of Constable Handbook for British Empire, the entire area south of Afridi territory is depicted as Waziristan.

¹⁰ From 1878 -1951, there was only Khyber Political Agency, west and north of Peshawar, Mohmand Agency in 1953, Bajaur and Orakzai political agencies in 1973, were carved out of Khyber Agency. Malakand Political Agency was raised in 1890

¹¹ In North Waziristan, since 1936, a military campaign was in operation, against Fakir of Ipi.

¹² Payment to tribes for maintaining peace in respective tribal areas.

¹³ See F-112-GG/37-50, *Jinnah Papers, Pakistan Fangs of Birth, 15th August-30 September 1947, Volume V*, Culture Division, Government of Pakistan. ,pp,285-310

¹⁴ See letters serial F-112-GG/37-50, F-112-GG/22-31,,F-112-GG/16-8, *Jinnah Papers, Pakistan Fangs of Birth, 15th August-30 September 1947, Volume V*, Culture Division, Government of Pakistan. ,pp,285-310. *Jinnah Papers Pakistan Battling against Odds ,1st October-31st December 1947, Volume VI*.

¹⁵ See serial F-112-GG/32-4, Minutes of Defence Minister's meeting held at Circuit House Rawalpindi on 2nd October 1947. *Jinnah Papers Pakistan Battling against Odds ,1st October-31st December 1947, Volume VI*.,pp,17-21

¹⁶ Jinnah papers, Volume VI, PRO-PREM 8/558, Record of a conversation between H.L.Ismay and M.A.Jinnah on 3rd October 1947,pp,30-34.

¹⁷ *Jinnah Papers , Pakistan Struggling for Survival,1st January -30th September 1948, Volume VII*. Culture Division, Government of Pakistan. F-216{III}-GG/166-8, & F-216{III}-GG/168-9 ; pp,426-433. Also see George Cunningham to M.A.Jinnah ,F-888/89-90 dated 7th May 1948, pp,530-536.

¹⁸ *Jinnah Papers*, Volume VII, 17th April 1948.

¹⁹ Constitution of Islamic Republic of Pakistan, Articles 246,247

²⁰ The dictionary definition of 'militia' is a group of citizens who are organized or capable of providing paramilitary or policing service, namely: An army reserve composed of part-time soldiers (organized militia). A nation's able-bodied citizens who can be called upon to defend it (unorganized militia). A non-government military force (private or public militia).

²¹ Lieutenant General Sir Howley Goodenough and Lieutenant Colonel Cecil Dalton *The Army Book For The British Empire, a record of the development and present position of the military forces and their duties in peace and war*. London: printed for Her Majesty stationery office, 1898.

²² Lord Curzon was the Viceroy and Governor General of India 1899-1905, Thomas Raleigh *Lord Curzon in India, being a selection from his speeches as Viceroy and Governor General of India,1898-1905*. {London: MacMillan,1906},pp,415-432. Also see Ikram Ahmad Butt. *Lord Curzon and the Indian State 1899-1905*. University of London,1963

²³ *Jinnah Papers*, p-535.

²⁴ Ibid,

²⁵ Ibid.

²⁶ Federal Levies Force Regulations, August 07,2012.

²⁷ For detail work on Militia see, Victoria Henshaw *Scotland and British Army 1700-1750* , unpublished thesis for Ph.D , {University of Birmingham,2011},p-214. Desmond Morton *Authority and Policy in the Canadian Militia 1874-1904*. Ph.D Thesis, University of London,1968, p-19. Jonatahn David Hills *The Militia relationship with the regular army in the wars of 1812 with particular respect to the Militia of Ohio and New York*, Ph.D thesis, University of Sunderland,2000.

²⁸ <https://tribune.com.pk/story/1343825/federal-cabinet-approves-fata-reforms/>

²⁹ Sectarian hate among Sunni and Shias is the cardinal factor of violence in Kurram Agency and in FR Kohat.

³⁰ In 1988 and also in mid-nineties, minor and major operations were carried out in Khyber Agency, FR Peshawar, and in FR Kohat, by Ministry of Interior and Narcotics

³¹ FATA Education Atlas,2011-2012,FATA Directorate.

³² Article 246 and 247 of Constitution of Pakistan

³³ Eighteenth Amendment in constitution, Section 91.

³⁴ Majority of Wazir did not even fill the census forms in 1998, neither majority of their women have identity card, nor they vote, where as Daur are more law abiding and liberal. For more see Tochi Scouts reports on 1998 Census.

<http://202.83.164.29/safron/userfiles1/file/Report%20of%20the%20Committee%20on%20FATA%20Reforms%202016%20final.pdf> chapter 4{f},p-37.

³⁶ Daur and Shinwari tribes are not enrolled in Frontier Corps.

³⁷ Government of Pakistan Report of the Committee on FATA Reforms 2016',pp,1-3.

³⁸ In Swat, military launched Operation Rah-i-Haq in November 2007, again in July 2008 Rah-i-Haq II was launched, in January 2009, Rah-i-Haq III was conducted, Rah-i-Najat and Rah-i-Rast were also launched in 2009 in Swat.

³⁹ Operation Black Thunderstorm was launched in Dir and Buner in 2009

⁴⁰ For more details, see the 1998 Census Reports .

⁴¹ Frontier Corps Ordinance 1959, SRO 588{K}81, dated 24th May 1961, Chapter II, 5{2}. The exception being Kurram Militia, Pishin Scouts and Chagai Militia. This rule was incorporated in 1922. Kamin means a man of low caste.

⁴² Senate Secretariat, 11th May ,2010, reply to question of Mr Hafiz Rashid Ahmed, notice received on 21st April 2010.